

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Robert J. Ein )  
Serial No.: 09/769,727 ) Art Unit: 3742  
Filed: January 26, 2001 ) Examiner: John A. Jeffery  
For: THERAPEUTIC APPARATUS )

RECEIVED

MAY 14 2003

TECHNOLOGY CENTER R3700

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: Mail Stop Non-Fee Amendment

## LETTER

Sir:

The examiner, referring to the Office communication, dated February 11, 2003, set out for the record an objection directed to the drawing and required applicant to respond to the objection in a separate paper.

The objection was two-fold. First, the examiner objected to all figures of the drawing indicating that the word "Figure" and the accompanying number were too small for clarity. Second, the examiner objected to Figures 4A – 4E for reason that the figures failed to illustrate the lamina of the wrap of the apparatus shown in section by "[p]roper cross-sectional hatching...to properly denote insulative and metallic materials in accordance with MPEP 608.02..." (emphasis in original).

Approved  
5/16/03

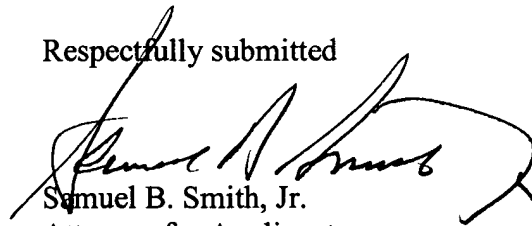
Attached is a copy of each of Figures 2, 3, 4A – 4E, 5 – 18, 19A – 19C, 20 – 25, 26A – 26G and 27A – 27B. Each of Figures 4A – 4E in addition to the enlargement both in presentment of the word “Figure” and the accompanying numeral to provide greater clarity for review, also include proposed amendments, in red, that illustrate the lamina in a cross-hatched state. The remaining figures, i.e., Figs. 2, 3, 5 – 18 and so forth present the word “Figure” and the accompanying number, in red, to provide figure numbers also of a size to provide greater clarity for review.

A copy of Fig. 1 is not attached since the figure number appears to be presented with proper clarity for review.

We trust that the examiner will agree that this response to the drawing objection and its proposed amendments address all issues presented so that the examiner is able to remove this ground of objection.

Applicant will submit the formal drawing at a later date. The formal drawing will include all of the amendments that are agreed to by the examiner.

Respectfully submitted



Samuel B. Smith, Jr.  
Attorney for Applicant  
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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$126.00)

## Complete if Known

Application Number 09/769,727  
Filing Date January 26, 2001  
First Named Inventor Robert J. Ein  
Examiner Name John A. Jeffery  
Art Unit 3742  
Attorney Docket No. 104070.113920

MAY 14 2003

TECHNOLOGY CENTER R3700

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number  
50-1615  
Deposit Account Name  
Stoll, Keenon & Park

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent		-20** =		X			
Multiple Dependent		-3** =		X			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$126)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type) Samuel B. Smith, Jr. Registration No. 22,278 Telephone 859-231-3030  
Signature Date May 8, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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